EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TODD C. BANK, Individually and on Behalf of All Others Similarly Situated, *Plaintiff*, -against- INDEPENDENCE ENERGY GROUP LLC, and INDEPENDENCE ENERGY ALLIANCE LLC, *Defendants*.	1:12-cv-01369-JG-VMS **PLAINTIFF'S RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES**

Plaintiff, Todd C. Bank, hereby responds to Defendants' First Set of Interrogatories pursuant to Fed. R. Civ. P. 30 as follows:

GENERAL STATEMENTS

1. In responding to these Interrogatories, Plaintiff does not waive any rights to object to any order related to discovery in this action.

2. Plaintiff continues to search for information responsive to Defendants' Interrogatories, and therefore reserves the right to supplement its responses to each Interrogatory with documents as such documents become available, subject to all applicable objections.

3. By responding to any Interrogatory, Plaintiff does not concede the materiality of the subjects to which it refers. The Responses made herein are made expressly subject to, and without waiving or intending to waive, any questions or objections as to competency, relevancy, materiality, privilege, or admissibility as evidence or for any other purpose in any proceeding including trial of this action.

4. Inadvertent disclosure of any information that is privileged, or is otherwise immune from discovery, shall not constitute a waiver of any privilege or of any other ground for objecting

to discovery with respect to such information, or Plaintiff's right to object to the use of any such information during any proceeding in this litigation or otherwise.

GENERAL OBJECTIONS

1. Plaintiff objects, pursuant to Fed. R. Civ. P. 26(b)(1), to each Definition and Interrogatory to the extent that it seeks disclosure of privileged information.

2. Plaintiff objects, pursuant to Fed. R. Civ. P. 26(b)(1), to each Definition and Interrogatory to the extent that it seeks information that is irrelevant to the subject matter of this action or is not reasonably calculated to lead to the discovery of admissible evidence, including the Interrogatory for the identification of "all" documents or "each" and "every" document when all relevant facts can be obtained from fewer than "all" documents or "each" and "every" document.

3. Plaintiff objects, pursuant to Fed. R. Civ. P. 26(b)(2), to each Definition and Interrogatory to the extent that it seeks information that is unreasonably cumulative or duplicative.

4. Plaintiff objects, pursuant to Fed. R. Civ. P. 26(b)(2), to each Definition and Interrogatory to the extent that it seeks information that, if it exists, is obtainable from some other source that is more convenient, less burdensome, or less expensive.

5. Plaintiff objects, pursuant to Fed. R. Civ. P. 26(b)(2), to each Definition and Interrogatory to the extent that it seeks information that Defendants have had ample opportunity by discovery in the action to obtain the information sought.

6. Plaintiff objects, pursuant to Fed. R. Civ. P. 26(b)(2), to each Definition and Interrogatory to the extent that it seeks information whose production outweighs its likely benefit.

7. Plaintiff objects, pursuant to Fed. R. Civ. P. 26(b)(3), to each Definition and Interrogatory to the extent that it seeks disclosure of attorney's work product or trial-preparation material.

8. Plaintiff objects to each Definition and Interrogatory to the extent that it is

ambiguous, vague, or otherwise incomprehensible.

9. Plaintiff objects to each Definition and Interrogatory to the extent that it concerns the time period prior to January 17, 2011, or after January 17, 2012, and responds to each Interrogatory subject to this objection.

10. Plaintiff objects to each Interrogatory that exceeds the 25th interrogatory and that has not been stipulated or ordered by the Court.

RESPONSES AND OBJECTIONS

Interrogatory No. 1: Identify the Subject Telephone Number.

Response to Interrogatory No. 1: 718-520-7125

Interrogatory No. 2: Is the Subject Telephone Number used by Plaintiff in connection with his law practice?

(a) If your answer to this interrogatory is "no," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 2: Yes.

(a) The Subject Telephone Number appears in the letterhead that is used on my professional stationery and business cards, and on all of the litigation-related legal papers that I serve and file in my capacity as an attorney.

(b) Plaintiff objects based upon General Objection Nos. 2 and 6.

Interrogatory No. 3: Is the Subject Telephone Number used by Plaintiff as his law office telephone number in pleadings, court filings, and professional correspondence generated by Plaintiff in connection with his law practice?

(a) If your answer to this interrogatory is "no," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 3: Yes

(b) Plaintiff objects based upon General Objection Nos. 2 and 6.

Interrogatory No. 4: Is the Subject Telephone Number on Plaintiff's business cards?

(a) If your answer to this interrogatory is "no," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 4: Yes.

(b) Plaintiff objects based upon General Objection Nos. 2 and 6.

Interrogatory No. 5: Does Plaintiff provide the Subject Telephone Number to clients, prospective clients, other attorneys, and/or other businesses or business contacts in connection with Plaintiff's law practice?

(a) If your answer to this interrogatory is "no," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 5: Yes.

(b) Plaintiff objects based upon General Objection Nos. 2 and 6.

Interrogatory No. 6: Is the Subject Telephone Number identified as Plaintiff's professional office number in the New York Lawyers Diary and Manual?

(a) If your answer to this interrogatory is "no," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 6: I do not know.

(b) Not applicable.

Interrogatory No. 7: Is the Subject Telephone Number identified as Plaintiff's professional office number in Martindale Hubble?

(a) If your answer to this interrogatory is "no," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 7: I do not know.

(b) Not applicable.

Interrogatory No. 8: Is the Subject Telephone Number identified as Plaintiff's professional office number on Avvo?

(a) If your answer to this interrogatory is "no," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 8: I do not know.

(b) Not applicable.

Interrogatory No. 9: Is the Subject Telephone Number identified as Plaintiff's professional office number on FindLaw?

(a) If your answer to this interrogatory is "no," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 9: I do not know.

(b) Not applicable.

Interrogatory No. 10: Is the Subject Telephone Number identified as Plaintiff's professional office number in the Yellowbook?

(a) If your answer to this interrogatory is "no," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 10: I do not believe so.

(a) The Subject Telephone Number is registered with my telephone-service provider as a residential line.

(b) Not applicable.

Interrogatory No. 11: Is the Subject Telephone Number identified as Plaintiff's professional office number on Plaintiff's website?

(a) If your answer to this interrogatory is "no," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 11: No.

(a) Plaintiff objects based upon General Objection Nos. 2 and 6.

(b) Not applicable.

Interrogatory No. 12: Is the Subject Telephone Number identified as Plaintiff's professional office number in Plaintiff's written and online advertising and marketing information about his law practice?

(a) If your answer to this interrogatory is "no," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 12: No.

(a) I do not believe that there is what I would consider to be written and online advertising and marketing information about my law practice.

(b) Not applicable.

Interrogatory No. 13: Is the Subject Telephone Number provided by Plaintiff to the New York State Bar in connection with his attorney registration?

(a) If your answer to this interrogatory is "no," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 13: Yes.

(b) Plaintiff objects based upon General Objection Nos. 2 and 6.

Interrogatory No. 14: Is Plaintiff aware of other directories or listings where the Subject Telephone Number is identified as Plaintiff's professional office number? If so, identify all such directories.

(a) If your answer to this interrogatory is "yes," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 14: I do not know.

(b) Not applicable.

Interrogatory No. 15: Did Plaintiff take any action to have the Subject Number removed from any professional listings or business directories prior to the service of these interrogatories upon him?

(a) If your answer to this interrogatory is "yes," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 15: No.

(b) Not applicable.

Interrogatory No. 16: At any time up to and including the present, has Plaintiff filed any tax returns for his law practice which identify his address at 119-40 Union Turnpike, Fourth Floor, Kew Gardens, New York 11415 and the Subject Telephone Number as his business contact information?

(a) If your answer to this interrogatory is "yes," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 16: No.

(b) Not applicable.

Interrogatory No. 17: At any time up to and including the present, has Plaintiff filed personal tax returns in which he reflected a business deduction related to costs associated with his address at 119-40 Union Turnpike, Fourth Floor, Kew Gardens, New York 11415, including but not limited to costs associated with the Subject Telephone Number?

(a) If your answer to this interrogatory is "yes," provide all facts, and identify all documents, that support Your answer.

(b) Identify all individuals with factual knowledge of Your answer to this interrogatory.

Response to Interrogatory No. 17: Yes, with respect only to the Subject Telephone Number.

(a) Plaintiff objects based upon General Objection Nos. 2 and 6.

(b) Plaintiff objects based upon General Objection Nos. 2 and 6.

Interrogatory No. 18: Identify all telephone numbers used by Plaintiff at 119-40 Union Turnpike, Fourth Floor, Kew Gardens, New York 11415.

(a) Set forth all personal and business uses for each telephone number identified.

Response to Interrogatory No. 18: 718-520-7125, which Plaintiff used to place and receive personal and business calls; 718-261-2482, which Plaintiff used to place personal and business calls and to receive personal calls; and 718-521-6043, which Plaintiff used to receive personal calls.

Interrogatory No. 19: Does Plaintiff have a cellular or mobile telephone?

(a) Set forth all personal and business uses for each telephone number identified.

Response to Interrogatory No. 19: Plaintiff objects based upon General Objection Nos. 2 and 6.

Interrogatory No. 20: Does Plaintiff have caller identification (caller-ID) features on the Subject Telephone Number?

(a) If so, does Plaintiff answer the Subject Telephone Number if he does not recognize the caller's number?

(b) If so, state whether the caller-ID feature was used to identify the Subject Telephone Number?

Response to Interrogatory No. 20: Yes.

(a) Sometimes.

(b) As I understand this subpart, the caller-ID feature was not used to identify the Subject Telephone Number, *i.e.*, 718-520-7125.

Interrogatory No. 21: Identify all demand letters sent and all actions filed by Plaintiff asserting claims under the Telephone Consumer Protection Act for calls to the Subject Telephone Number up to and including the present.

Response to Interrogatory No. 21: Plaintiff objects based upon General Objection Nos. 2 and 6.

Interrogatory No. 22: Does Plaintiff record calls to the Subject Telephone Number?

(a) If so, did Plaintiff record the call that is the subject of this Litigation?

Response to Interrogatory No. 22: (a) Sometimes.

(b) No.

Interrogatory No. 23: Is the Subject Telephone Number registered with the telephone company as a "residential" telephone number?

(a) If so, describe the circumstances surrounding such registration.

Response to Interrogatory No. 23: (a) Yes.

(b) I registered the Subject Telephone Number with the telephone company as a "residential" telephone number because the number belonged to my residence.

Interrogatory No. 24: Identify and describe all the ways in which Plaintiff allegedly uses the Subject Telephone Number as a residential telephone line, and its status as a residential telephone line.

Response to Interrogatory No. 24: See Nos. 18 and 23.

Interrogatory No. 25: Describe the facts and circumstances surrounding the call to the Subject Telephone Number that is at issue in this Litigation.

Response to Interrogatory No. 25: I received the call to the Subject Telephone Number that is at issue in this Litigation on January 17, 2012. It was nearly 9:00 at night, and combined with the caller-ID information, I was reasonably certain that the call was made with the intention of reaching me in my residential capacity, which was confirmed when I learned that the call was trying to sell me services that are provided as residential services, *i.e.*, residential electricity-billing services.

Interrogatory No. 26: Identify the name, current address, and current telephone number of all persons known to Plaintiff that possess knowledge of the facts involved in this Litigation, and for each such person, provide a short summary of the facts or information known to each individual.

Response to Interrogatory No. 26: Plaintiff objects based upon General Objection No. 10.

Interrogatory No. 27: Identify all persons who participated in preparing responses to these interrogatories, or who aided or has been consulted in answering these interrogatories.

Response to Interrogatory No. 27: Plaintiff objects based upon General Objection No. 10.

Interrogatory No. 28:

Identify all individuals who searched for documents to be utilized by Plaintiff in responding to these interrogatories and in responding to Defendants' First Request for the Production of Documents and Request for Admissions.

Response to Interrogatory No. 28: Plaintiff objects based upon General Objection No. 10.

Interrogatory No. 29: Set forth in detail all steps taken by Plaintiff to locate documents that are responsive to Defendant's First Demand for the Production of Documents.

Response to Interrogatory No. 29: Plaintiff objects based upon General Objection No. 10.

Interrogatory No. 30: Identify all documents that may relate to this Litigation, and attach copies of each such document.

Response to Interrogatory No. 30: Plaintiff objects based upon General Objection No. 10.

Interrogatory No. 31: Identify all persons whom Plaintiff expects to call as expert witnesses at trial and for each such expert, provide the following information:

(a) The subject matter on which the expert is expected to testify;

(b) The substance of the facts and opinions to which the expert is expected to testify;

(c) The grounds for each opinion;

(d) A list of all matters in which the expert has provided an opinion for the last ten years, along with a copy of each written expert report generated by the expert during this time period;

(e) A list of publications written by each expert from for the last ten years; and

(f) Produce herewith a copy of all written expert reports (including drafts) submitted to Plaintiff by such expert, along with the curriculum vitae for each expert.

Response to Interrogatory No. 31: Plaintiff objects based upon General Objection No. 10.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

s/ ***Todd C. Bank***
Todd C. Bank
Executed on November 12, 2014